

[First Reprint]

ASSEMBLY, No. 773

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

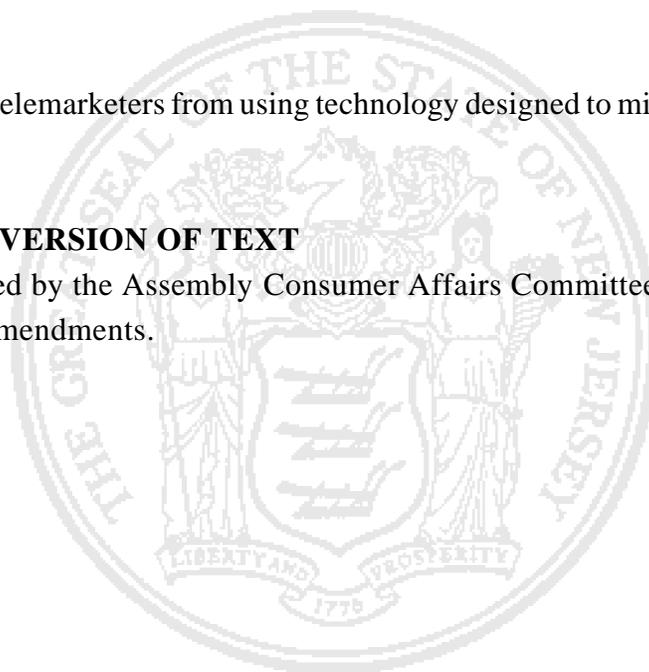
**Assemblymen McKeon, Wisniewski, Conaway, Conners, Assemblywoman
Greenstein, Assemblyman Thompson, Senators Turner and Sarlo**

SYNOPSIS

Prohibits telemarketers from using technology designed to misrepresent their identity.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on October 4, 2004, with amendments.



(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning ¹[certain telephone solicitations and
2 supplementing chapter 17 of Title 48 of the Revised Statutes]
3 telemarketers and amending P.L.2003, c.76¹.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ¹[1. a. No telephone seller shall use any method, including per-call
9 blocking or per-line blocking, that prevents caller identification
10 information for the telephone lines used by the telephone seller from
11 being shown by a device capable of displaying caller identification
12 information.

13 b. As used in this section, "telephone seller" means a person who
14 engages in the business of offering or selling goods or services or
15 soliciting contributions through an unsolicited telephone call.]¹

16
17 ¹[2. A person who violates the provisions of this act shall be
18 subject to a civil penalty of not more than \$500 for a first violation and
19 not more than \$1,000 for each subsequent violation. Every day upon
20 which a violation occurs shall be considered to be a separate violation.
21 The penalty shall be collected and enforced in a summary proceeding
22 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
23 (C.2A:58-10 et seq.)]¹

24
25 ¹1. Section 10 of P.L.2003, c.76 (C56:8-128) is amended to read
26 as follows:

27 10. a. No telemarketer shall make or cause to be made any
28 unsolicited telemarketing sales call to any customer whose telephone
29 number is included on the no telemarketing call list established
30 pursuant to section 9 of this act, except for a call made within three
31 months of the date the customer's telephone number was first included
32 on the no call list but only if the telemarketer had at the time of the
33 call not yet obtained a no call list which included the customer's
34 telephone number and the no call list used by the telemarketer was
35 issued less than three months prior to the time the call was made.

36 b. A telemarketer making a telemarketing sales call shall, within the
37 first 30 seconds of the call, accurately identify the telemarketer's name,
38 the person on whose behalf the call is being made, and the purpose of
39 the call.

40 c. A telemarketer shall not make or cause to be made any
41 unsolicited telemarketing sales call to any customer between the hours

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted October 4, 2004.

1 of 9 p.m. and 8 a.m., local time, at the customer's location.

2 d. A telemarketer shall not intentionally use any method that blocks
3 a caller identification service from displaying caller identification
4 information or otherwise circumvents a customer's use of a telephone
5 caller identification service, including, but not limited to, the use of
6 any technology or method which displays a telephone number or name
7 not associated with the telemarketer or intentionally designed to
8 misrepresent the telemarketer's identity.¹

9 (cf: P.L.2003, c.208, s.3)

10

11 ¹[3.] 2.¹ This act shall take effect on the first day of the seventh
12 month following enactment.